

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-374

Maura Santos,	)
Appellant,	)
	)
v.	)
	)
City of Peabody and Paul	)
Kolodziej,	)
Appellees	)
	)

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 780 CMR 3603.8 (Ceiling height) of the Massachusetts State Building Code ("MSBC") for a residence located at 11 Kirkland Road, Peabody, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on February 20, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Present and representing the City of Peabody Inspectional Services Department was local inspector, Paul Kolodziej and Inspector of Buildings, Ralph J. Gandolfo. There was no representative present from the City of Peabody Fire Department.

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<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

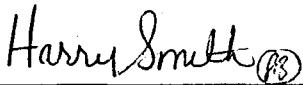
**Discussion**


A motion was made to grant the Appellant's request for a variance from 780 CMR 3603.8 (Ceiling height) of the MSBC because there were no objections from the City of Peabody Inspectional Services Department and the subject room will never be used as a sleeping room at any time. Motion carried 3-0.

**Conclusion**

The Appellant's request for a variance from 780 CMR 3603.8 is hereby  
**GRANTED.**

**SO ORDERED.**

  
\_\_\_\_\_  
**HARRY SMITH**

  
\_\_\_\_\_  
**ALEXANDER MACLEOD**

  
\_\_\_\_\_  
**KEITH HOYLE**

DATED: March 26, 2007

*\* In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*